



US Army Corps  
of Engineers  
St Paul District

**APPLICANT: Oneida Nation of  
Wisconsin**

## **Public Notice**

**ISSUED: March 17, 2005**

**EXPIRES: April 16, 2005**

**REFER TO: 05-1107-GRK**

**SECTION:404 - Clean Water Act**

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1. APPLICATION FOR PERMIT TO discharge dredged and fill material in approximately 13,960 square feet (0.32 acre) of an unnamed tributary to Oneida Creek and wetlands adjacent to the creek to complete a wetland restoration/enhancement project. The proposed project would inundate approximately 5.4 acres of existing wetland.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 3759 W. Mason Street  
P.O. Box 365  
Oneida, WI 54155  
(920) 496-5346

PROJECT LOCATION: The project site is located in the SW 1/4 Sec. 32, T. 24N., R. 19E., Outagamie County, Wisconsin. The approximate UTM coordinates are Zone 16, North 4928542, East 402450.

DESCRIPTION OF PROJECT: The applicant proposes to construct a berm and install a water control structure in a tributary to Oneida Creek and wetlands adjacent to the tributary, to inundate a 10.8 acre area. The project area is a ditched basin that still has a remnant wet meadow wetland associated with the ditches. The drainage area associated with the project is approximately 223 acres. Three ditches converge and route water to a tributary of Oneida Creek. The ditches were constructed prior to 1960 to drain the area for agricultural purposes. The land is currently enrolled in the Conservation Reserve Program (CRP) and the property was seeded with a mix of native grasses and forbs in 2001. The proposed project would result in a minimum net gain of 5.36 acres of wetland and inundate approximately 5.4 acres of existing wet meadow.

QUANTITY, TYPE, AND AREA OF FILL: The applicant proposes to discharge dredged and fill material into approximately 13,960 square feet (0.32 acre) of a tributary to Oneida Creek and wetlands adjacent to the tributary to construct the berm.

VEGETATION IN AFFECTED AREA: The affected wetland area is dominated by *Beckmannia syzigachne* (American Sloughgrass), *Epilobium coloratum* (Purpleleaf Willow-herb), and *Agrostis gigantea* (Redtop).

SOURCE OF FILL MATERIAL: The applicant proposes to construct the berm using clay subsoil excavated outside of the wetland boundary in close proximity to the berm. Top soil would be stockpiled outside the wetland boundary and used to cover the berm before seeding.

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**SURROUNDING LAND USE:** Predominantly agricultural, with mixed areas of residential and open space.

**DESCRIPTION OF STRUCTURE:** The top width of the berm would be 12 feet with 12:1 side slopes. The maximum height of the berm would not exceed 4 feet. Approximately 130 linear feet of the proposed 850 linear-foot berm would be constructed in the existing wetland. Construction of the berm would impact approximately 13,962 square feet (0.32 acre) of wetland.

**DESCRIPTION OF DREDGING OR EXCAVATION:** All excavation areas are located outside the existing wetland boundary delineated by the applicant. The proposed scrapes (2) would result in the excavation of approximately 2,780 cubic yards of material. The maximum depth of each of the scrapes would not exceed 4 feet.

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** The berm would be seeded with native grasses and forbs immediately after top soil is spread. Winter wheat, oats, rye, or a combination of these species would be used to provide quick cover to help prevent erosion. The use of erosion control matting along the entire berm is also proposed.

**3. REPLIES/COMMENTS.**

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, Suite 211, Old Fort Square, 211 North Broadwat, Green Bay, WI 54303.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Nick Domer at the Green Bay office of the Corps, telephone number (920) 448-2824.

**4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.**

None were identified by the applicant or are known to exist in the permit area. However, Outagamie County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

Species

Habitat

Bald eagle (T)

Mature forest near water

Karner blue butterfly (E)

Prairie, oak savanna, and jack pine areas with wild lupine

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This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**5. JURISDICTION.**

This project comes under the regulatory jurisdiction of the Corps of Engineers because Oneida Creek is tributary to Duck Creek, a navigable water of the United States.

**REGULATORY AUTHORITY:** This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

**THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:** The applicant has not indicated that any other agency permits have been applied for.

**6. WATER QUALITY CERTIFICATION.**

This Public Notice has been sent to the Environmental Protection Agency (EPA) and is considered by the District Engineer to constitute valid notification to that agency for water quality certification.

**7. HISTORICAL/ARCHAEOLOGICAL.**

This public notice is being sent to the National Park Service, the State Archaeologist, the State Historic Preservation Officer, and the Tribal Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

**8. PUBLIC HEARING REQUESTS.**

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

**9. PUBLIC INTEREST REVIEW.**

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably

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foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

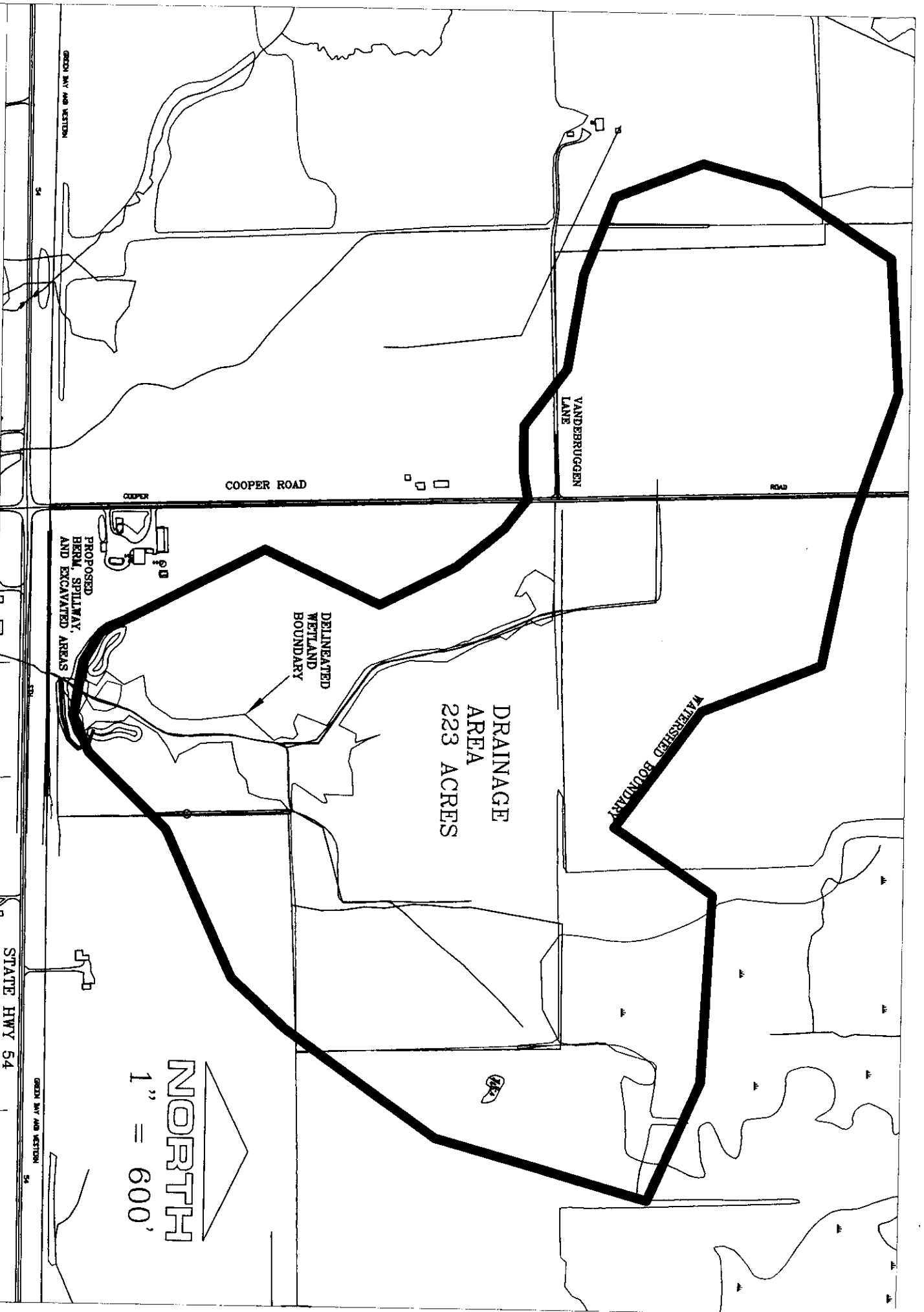
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



Robert J. Whiting  
Chief, Regulatory Branch

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



VANDERBRUGGEN PHASE 2 WETLAND  
DRAINAGE AREA

NORTH

1" = 300'

UPLAND  
PRAIRIE

UPLAND  
PRAIRIE

WATER  
SURFACE AREA  
10.8 ACRES  
@ ELEV 94.0

WETLAND  
BOUNDARY

ELEV  
95.0

FENCE

COOPER ROAD

ISLAND

RECREATIONAL  
OVERLOOK

PROPOSED  
BERM, SCRAPES  
AND SPILLWAY

PUBLIC  
ACCESS  
POINT

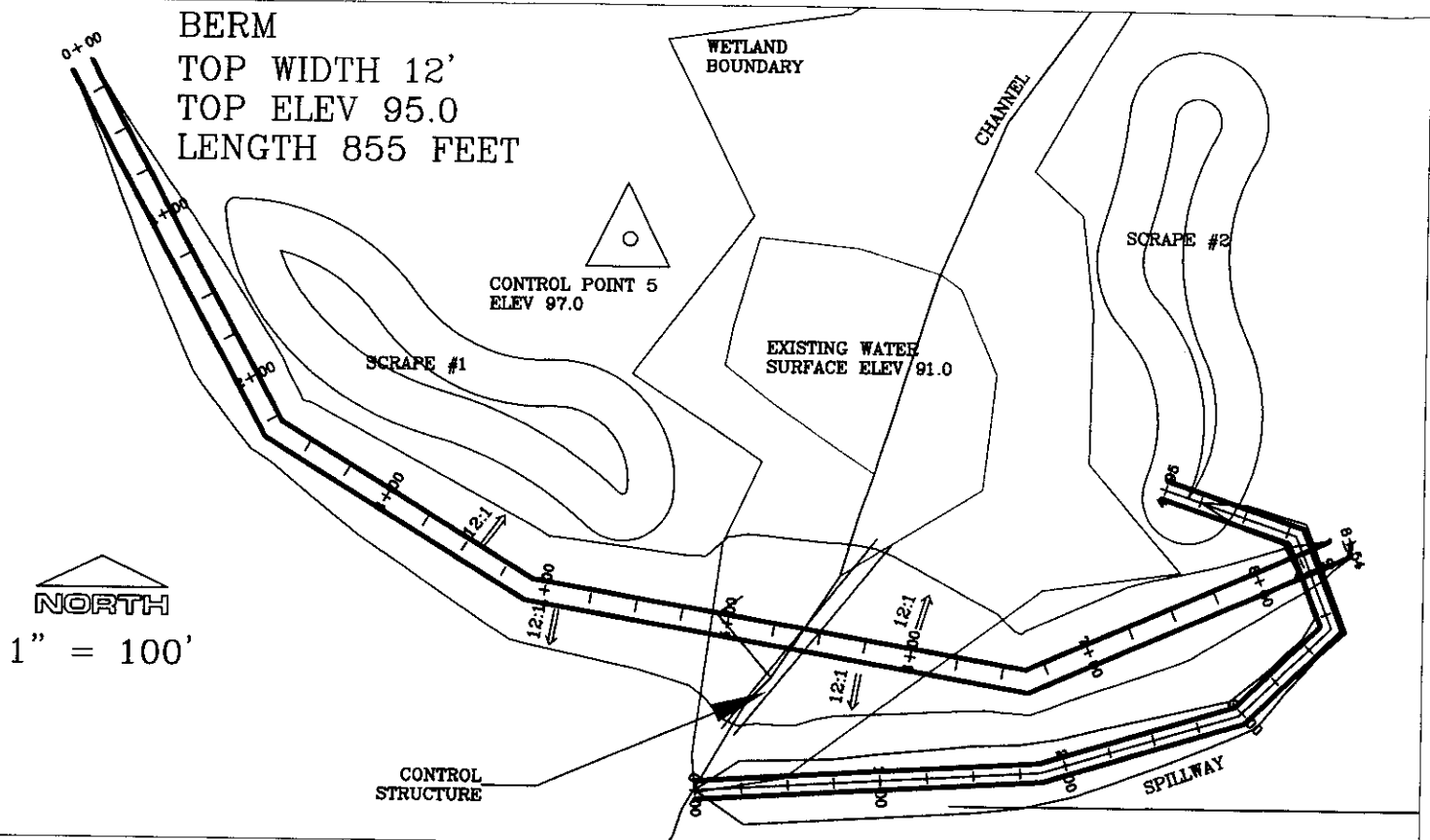
ABANDONED RAILROAD GRADE (PROPOSED RECREATIONAL TRAIL)

STATE HWY 54

PROPOSED FLOODED AREA  
RESULTING FROM BERM CONSTRUCTION

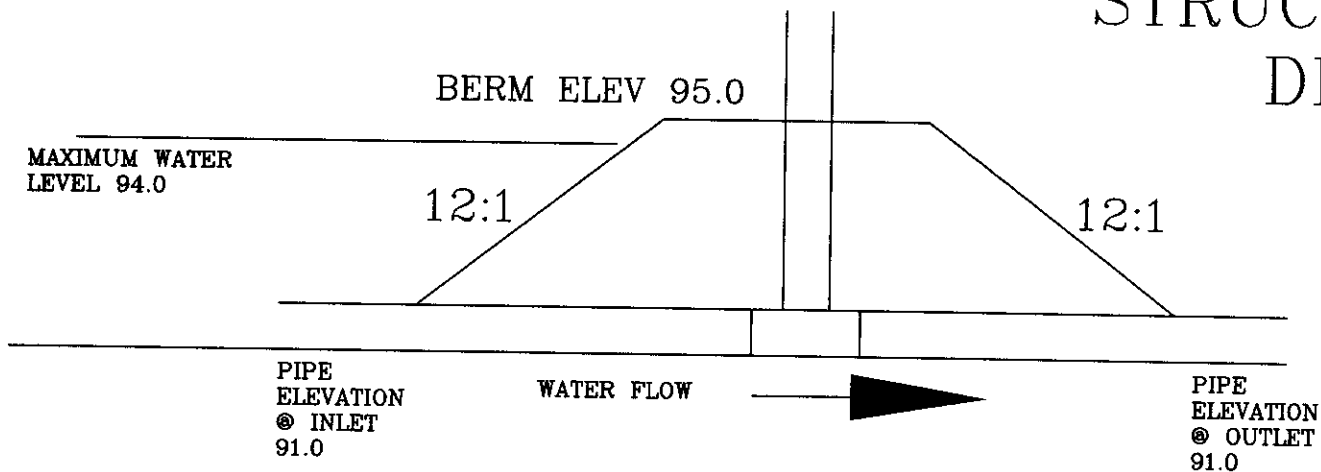
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CLIENT: ONEIDA TRIBE  
PROJECT: VANDEBRUGGEN  
PHASE 2 WETLAND  
PLANNER: TONY KUCHMA  
DATE: 2/23/2005



BERM TOP  
WIDTH 12'

## CONTROL STRUCTURE DETAIL



### QUANTITIES:

BERM LENGTH: 850 LF  
BERM FILL: 2403 CUBIC YARDS  
TUBING: 8" DIAMETER, 110' LONG  
CONTROL STRUCTURE: 4' WATER LEVEL ADJUSTMENT  
RODENT GUARD: VERTICAL BARS © EACH END

### NOTES:

IMPACTED WETLAND AREA FROM FLOODING = 236,877 SQ FT (5.44 ACRES).  
IMPACTED WETLAND AREA FROM FILLING = 13,962 SQ FT (0.32 ACRES).  
PROJECT FOOTPRINT AREA = 65,171 SQ FT (1.50 ACRES)  
ALLOW FOR 12" OF FREEBOARD FROM MAXIMUM WATER LEVEL TO TOP OF BERM.  
TOP SOIL STRIPPED FROM LIMITS OF CONSTRUCTION AND STOCKPILED.  
TOP SOIL PLACED ON BERM IN PREPARATION FOR SEED.

## BERM

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DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
SIBLEY SQUARE AT MEARS PARK  
190 5<sup>TH</sup> ST. EAST  
ST. PAUL, MINNESOTA 55101-1638

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OFFICIAL BUSINESS  
REGULATORY BRANCH  
CO-R

POSTMASTER: Please Post Until Notice Expires